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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,933	07/17/2003	Neldon P. Johnson		3052
7590	09/03/2004		EXAMINER	
J. David Nelson NELSON, SNUFFER, DAHLE & POULSEN, P.C. 10885 South State Street Sandy, UT 84070			YEUNG, JAMES C	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/621,933	JOHNSON, NELDON P.
	<b>Examiner</b>	<b>Art Unit</b>
	James C Yeung	3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 July 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-38 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-38 is/are allowed.

6) Claim(s) \_\_\_\_\_ is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>0717/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### *Specification*

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 97, 101, and 129. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasuda (Japan Pat. 56-23666). The structure as claimed is fully anticipated by Yasuda (note elements 1, 3 and P, Fig. 1).

5. Claims 1-2, 29-30, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Inagaki (Japan Pat. 54-23234). The structure as claimed is fully anticipated by Inagaki (note elements 1, 5 and 12, Fig. 4).

6. Claims 1-5, 10-16, 20, 28-30, 35, and 37-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Bard. The structure as claimed is fully anticipated by Bard (note elements 27, 51 and 52, Figs. 3 and 7).

7. Claims 1, 17-19, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Holdridge. The structure as claimed is fully anticipated by Holdridge (note elements 19 and 21, Fig. 2).

8. Claims 1-4, 10-20, 29-30, 36, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Doundoulakis. The structure as claimed is fully anticipated by Doundoulakis (note elements 10, 11, and P, Fig. 1).

)

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6-9, 21-27, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inagaki (Japan Pat. 54-023234) in view of either Altman or Riggs.

Altman teaches the use of an energy-retaining capsule (78, Fig. 8) for the purpose of enclosing an absorption zone so as to maximize heat transfer efficiency (col. 4, lines 52-62).

Riggs teaches the use of an energy-retaining capsule (48, Fig. 6) formed of borosilicate glass for the purpose of enclosing an absorption zone so as to maximize heat transfer efficiency (col. 5 line 67 – col. 6, line 7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide each of the absorption zone of Inagaki (at 3, Fig. 2) with an energy-retaining capsule such as taught by either Altman or Riggs in order to maximize heat transfer efficiency.

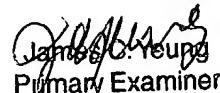
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gillary is cited to show an energy capsule formed of borosilicate glass (col. 3, line 3).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James C Yeung whose telephone number is 703 308-1047. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703 308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JY  
September 1, 2004

  
James C. Yeung  
Primary Examiner